

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JEWEL GRIFFIN

PLAINTIFF

V.

CIVIL ACTION NO. 3:22-CV-237-KHJ-MTP

STATE OF MISSISSIPPI

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Michael T. Parker. [7]. The Report recommends dismissing Plaintiff Jewel Griffin's Complaint [1] for failure to prosecute and comply with the Court's Orders. *Id.* at 3. Written objections to the Report were due by September 26, 2022. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636. [7] at 3; *See Thomas v. Arn*, 474 U.S. 140, 148 (1985).

When a party fails to object to a Magistrate Judge's Report and Recommendation, the Court need not review it de novo. *See* 28 U.S.C. § 636(b)(1). Rather, the Report is subject to a "clearly erroneous, abuse of discretion, and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam).

Griffin filed her Complaint [1] on May 5, 2022. She submitted the Complaint on a "Complaint for Review of Social Security Disability" form. [1] at 1. In the accompanying Civil Cover Sheet, however, she states that the action is brought

under the Racketeer Influenced and Corrupt Organization Act (“RICO”), 18 U.S.C. § 1962. [1-1]. Consequently, on May 10, 2022, the Clerk of Court directed Griffin to file a RICO case statement, due on May 31, 2022. RICO Notice [3]. Griffin ignored this Order and instead filed a statement from Ted L. Gunderson claiming that the United States government is illegally monitoring the computers, emails, and phone calls of private citizens, among other things. *See* [4]. In the margins of the statement, Plaintiff alleges that the Government is controlling her phones and computers and that children are being trafficked and sexually assaulted. *See id.*

Unable to decipher Griffin’s claim, the Court entered an Order to Show Cause and Clarify [6] on July 12, 2022. Griffin’s response to the Order was due fourteen days later, and the Court warned Griffin that her failure to comply would result in the dismissal of this action without prejudice and without further notice. Order [6]. The Court also ordered Griffin to file a complete application to proceed *in forma pauperis*. *Id.* Griffin did not respond to either Order, and the Magistrate Judge subsequently recommended dismissing her claim without prejudice. [7].

A district court has discretion to dismiss an action sua sponte for a plaintiff’s failure to prosecute or comply with an order of the court. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962). Griffin did not object to the Recommendation, and her time to do so has passed. The Court concludes the Report and Recommendation is not clearly erroneous or contrary to law and adopts the Report and Recommendation as the opinion of this Court. Because Griffin has failed to

prosecute this action and comply with the Court's Orders, the Court DISMISSES her case without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [7] of United States Magistrate Judge Michael T. Parker, entered in this cause should be, and is, adopted as the finding of this Court. This action is DISMISSED without prejudice. The Court will issue a separate final judgment consistent with this Order.

SO ORDERED AND ADJUDGED this the 28th day of September, 2022.

s/ *Kristi H. Johnson*
UNITED STATES DISTRICT JUDGE